

Serial No. 09/373,704
Amdt. dated October 14, 2003
Reply to Office Action of July 15, 2003

REMARKS

Favorable reconsideration and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks. Claims 6 and 8-18 are pending in the application.

Claim Objections and 35 U.S.C. § 112 Rejections

Claims 3, 4, 8 and 10 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter set forth therein. Each of the formalities identified in the Office Action has been addressed in this Amendment, and Applicant accordingly requests the Examiner to reconsider and withdraw this rejection.

The rejections to claims 3 and 4 are moot, as these claims have been canceled.

The foregoing claim amendments to address the 35 U.S.C. § 112, second paragraph rejections were made to correct formalities such as grammatical errors and to place the present Application in better form for examination. Therefore, the foregoing amendments do not narrow the scope of the pending claims.

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Allowable Subject Matter

Applicant notes with appreciation the indication on page 5 of the Office Action that claims 7, 9 and 10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 6 has been amended to include the features of claim 7 and claims 9 and 10 have been rewritten in independent form. Accordingly, these claims should be in condition for allowance.

35 U.S.C. § 102 & 103 Rejections

Claims 1-6, 8 and 11-12 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Yoshifuji (U.S. Patent No. 5,032,837). Applicant respectfully traverses each of these rejections for at least the following reasons.

The rejections to claims 1-5 are moot, as these claims have been canceled.

Applicant respectfully submits that in view of the foregoing amendments, claims 6 and 8-12 either were indicated as containing allowable subject matter or depend from a claim that was indicated as having allowable subject matter. Accordingly, Applicant respectfully submits that these claims are allowable and respectfully asks the Examiner to indicated the same in the next Official Action.

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The remaining independent claim (i.e., claim 13) recites related subject matter to the above-identified independent claims, and is therefore allowable for reasons similar to those given above.

Further, the dependent claims are allowable at least by virtue of their dependency on the above-identified independent claims. See MPEP § 2143.01. Moreover, these claims recite additional subject matter, which is not suggested by the documents taken either alone or in combination.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the John L. Ciccozzi, to conduct an interview in an effort to expedite prosecution in connection with the present application.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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